

# LEGISLATIVE HEARING CALENDAR

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

## COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, SEPTEMBER 19, 2005 AT 9:30 AM

Room 301-B City Hall

- AB-211 Collection of fees, fines, forfeitures, and surcharges by credit or debit card; setoffs against tax refunds; disclosing information obtained by the DOT to the DOR; and creation of a fine or forfeiture service fee and a payment plan fee.
- AB-216 Collection of data concerning motor vehicle stops, law enforcement training standards, and granting rule-making authority. (Similar to AB-543)
- AB-543 Collection of information regarding motor vehicle stops, law enforcement training standards, and granting rule-making authority. (Similar to AB-216)
- AB-573 Revision and elimination of the exemption from the property tax for certain property and the use of income from certain tax-exempt leased property. (Columbus Park)
- AB-648/  
SB-315 Retention and testing of evidence that includes biological material, time limits for prosecuting a crime that is related to a sexual assault, law enforcement procedures for using an eyewitness to identify a person suspected of committing a crime, making audio or audio and visual recordings of custodial interrogations, limitations on admitting unrecorded statements into evidence in juvenile delinquency and criminal proceedings, and creating a grant program for digital recording equipment and training for digital recording of custodial interrogations.

## 2005 ASSEMBLY BILL 211

March 16, 2005 – Introduced by Representatives GOTTLIEB, SEIDEL, BIES, GIELOW, GRONEMUS, GUNDERSON, HAHN, HUNDERTMARK, JESKEWITZ, KESTELL, KREIBICH, LEMAHIEU, MONTGOMERY, OTT, OWENS, PETTIS, TOWNS, TOWNSEND, UNDERHEIM, VOS, MURSAU, ALBERS, VRAKAS, KERKMAN, STRACHOTA, BERCEAU, RICHARDS, NISCHKE, KESSLER, MOLEPSKE, NELSON, PARISI, POPE-ROBERTS, SHERMAN, SHILLING, VRUWINK, SHERIDAN and STONE, cosponsored by Senators GROTHMAN, KEDZIE, A. LASEE, OLSEN and WIRCH. Referred to Committee on Corrections and the Courts.

1     **AN ACT to amend** 59.40 (4), 59.52 (28), 71.935 (2), 71.935 (5), 85.103 (6), 342.06  
2           (1) (intro.), 342.06 (1) (eg), 343.027, 343.14 (1) and 343.14 (2j) (b); and **to create**  
3           59.40 (5), 969.02 (2m) and 969.03 (1m) of the statutes; **relating to:** collection  
4           of fees, fines, forfeitures, and surcharges by credit or debit card; setoffs against  
5           tax refunds; disclosing information obtained by the Department of  
6           Transportation to the Department of Revenue; and creation of a fine or  
7           forfeiture service fee and a payment plan fee.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, when a circuit court (court) imposes a fine or forfeiture on a person for the violation of a state law or local ordinance, the person is also required to pay certain fees and surcharges, depending on the type of violation involved. For example, in a criminal case, the defendant must pay a \$20 fee to the court for all necessary filing, entering, or recording done by the court. Currently, the clerk of circuit court (clerk) must collect the amount owed and pay that amount to the county treasurer, but the clerk may contract with a collection agency to collect unpaid fines and forfeitures. The collection agency is paid for its services from the proceeds collected.

This bill allows the county to hire a debt collector (a business or individual who engages in debt collection), instead of a collection agency, to collect unpaid fines and

**ASSEMBLY BILL 211**

forfeitures. The bill allows the clerk of circuit court to accept credit cards and debit cards for any required payment to the clerk and for the payment of bail and to charge a fee for that service. The clerk of circuit court may also charge a fee for establishing and monitoring a payment plan ordered by the court.

Under current law, if a person owes a debt related to unpaid fines, fees, or forfeitures to a county or municipality, the county or municipality may certify the debt to the Department of Revenue (DOR) so that DOR may collect the debt for the county or municipality by subtracting the amount of the debt from any tax refund owed to the debtor. DOR charges the county or municipality an administrative fee for collecting a certified debt. Under the bill, DOR charges the person who owes the certified debt an administrative fee for collecting the debt, rather than charging the county or municipality that certifies the debt.

Under the bill, the Department of Transportation must disclose any information that it obtains from driver's license and vehicle title applications to DOR for the purposes of administering state taxes and collecting debt, including social security numbers and signatures.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 59.40 (4) of the statutes is amended to read:

2           59.40 (4) CLERK OF CIRCUIT COURT; ~~COLLECTION AGENCY~~ DEBT COLLECTOR CONTRACT.

3           If authorized by the board under s. 59.52 (28), the clerk of circuit court may contract  
4           with a ~~collection agency~~ debt collector, as defined in s. 427.103 (3), for the collection  
5           of unpaid fines and forfeitures. Any contract entered into shall provide that the  
6           ~~collection agency~~ debt collector shall be paid from the proceeds recovered by the  
7           ~~collection agency~~ debt collector. The net proceeds received by the clerk of circuit court  
8           after the payment to the ~~collection agency~~ debt collector shall be considered the  
9           amount of fines and forfeitures collected for purposes of distribution to the state and  
10          county under sub. (2) (m).

11          **SECTION 2.** 59.40 (5) of the statutes is created to read:

## 2005 ASSEMBLY BILL 216

March 16, 2005 – Introduced by Representatives BIES, BERCEAU, COLON, GRIGSBY, HINES, LEHMAN, MOLEPSKE, POCAN and VAN ROY. Referred to Committee on Corrections and the Courts.

- 1     **AN ACT** *to create* 165.842 and 165.85 (4) (b) 1d. f. of the statutes; **relating to:**  
2             collection of data concerning motor vehicle stops, law enforcement training  
3             standards, and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

#### *Collection of information concerning motor vehicle stops*

Currently, a law enforcement agency must collect information concerning each person that the law enforcement agency arrests or takes into custody, if the person has committed certain offenses or is a fugitive from justice. The information that the law enforcement agency must collect includes the person's fingerprints, photographs of the person's face and profile, and other available identifying data. The information collected must be forwarded to the Department of Justice (DOJ), which maintains the information for various law enforcement and reporting purposes.

This bill requires a law enforcement agency to collect the following information concerning motor vehicle stops made on or after January 1, 2007: 1) the name, address, sex, and race of the operator and each occupant of the motor vehicle (with the officer subjectively determining race as being Caucasian, African American, Hispanic, American Indian or Alaska Native, or Asian or Pacific Islander); 2) the reason for the motor vehicle stop; 3) the make, model, and year of the motor vehicle; 4) the date, time, and location of the motor vehicle stop; 5) whether or not a law enforcement officer conducted a search of the motor vehicle, the operator, or any occupant and, if so, whether the search was with consent or by other means; and 6) the name and badge number of the officer making the motor vehicle stop.

**ASSEMBLY BILL 216**

The information that is collected under the bill concerning motor vehicle stops is not subject to inspection or copying as a public record. The information, however, must be forwarded to DOJ, which must then compile and analyze it, along with any other relevant information, to determine, both for the state as a whole and for each law enforcement agency, whether the number of stops and searches involving motor vehicles operated or occupied by members of a racial minority is disproportionate compared to the number of stops and searches involving motor vehicles operated or occupied solely by persons who are not members of a racial minority. The determination of whether the number of stops and searches involving racial minorities is disproportionate must be based on an estimate of the population and characteristics of all persons traveling on state highways, on an estimate of the populations and characteristics of persons traveling on state highways who are violating a law or ordinance, and on any other relevant population estimate. If DOJ finds that the number of stops and searches involving racial minorities is disproportionate compared to the number of stops and searches involving nonminorities, DOJ must then determine whether that disproportion is the result of racial profiling, racial stereotyping, or other race-based discrimination or selective enforcement.

DOJ must prepare an annual report that summarizes the information submitted to it by law enforcement agencies and that describes the methods and conclusions of its analysis of the information. DOJ must also promulgate rules to implement the information collection requirement created in the bill, including rules prescribing a form for use in obtaining the information and establishing a schedule for forwarding the information obtained to DOJ.

***Law enforcement training standards***

Under current law, no person may be appointed as a law enforcement officer unless the person has been certified by the Law Enforcement Standards Board (LESB) after completing a training program approved by LESB. Currently, LESB must establish minimum educational and training standards for law enforcement officers and minimum curriculum requirements for law enforcement officer training programs. Current law also contains specific requirements for law enforcement training programs, including the requirements that the programs provide training to enable officers to deal effectively with domestic abuse incidents and training on police pursuit standards.

This bill requires law enforcement training programs to provide training concerning cultural diversity, including sensitivity toward racial and ethnic differences. The training must be designed to prevent the use of race, racial profiling, racial stereotyping, or other race-based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races and must emphasize the fact that the primary purposes of enforcement of traffic regulations are safety and equal and uniform application of the law.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 165.842 of the statutes is created to read:

2           **165.842 Motor vehicle stops; collection and analysis of information;**  
3 **annual report. (1) DEFINITIONS.** In this section:

4           (a) “Department” means the department of justice.

5           (b) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b).

6           (c) “Law enforcement officer” means a person who is employed by a law  
7 enforcement agency for the purpose of detecting and preventing crime and enforcing  
8 laws or ordinances and who is authorized to make arrests for violations of the laws  
9 or ordinances that the person is employed to enforce, whether that enforcement  
10 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

11           (d) “Motor vehicle stop” means the stop or detention of a motor vehicle that is  
12 traveling in any public or private place, or the detention of an occupied motor vehicle  
13 that is already stopped in any public or private place, for the purpose of investigating  
14 any alleged or suspected violation of a state or federal law or city, village, town, or  
15 county ordinance.

16           **(2) INFORMATION COLLECTION REQUIRED.** All persons in charge of law  
17 enforcement agencies shall obtain, or cause to be obtained, all of the following  
18 information with respect to each motor vehicle stop made on or after January 1, 2007,  
19 by a law enforcement officer employed by the law enforcement agency:

## 2005 ASSEMBLY BILL 543

July 7, 2005 – Introduced by Representatives YOUNG, TURNER, A. WILLIAMS, GRIGSBY, COLON, FIELDS, TOLES, KESSLER, BOYLE, BLACK, SINICKI, POCAN and BERCEAU, cosponsored by Senators COGGS, TAYLOR and CARPENTER. Referred to Committee on Corrections and the Courts.

1     **AN ACT** *to create* 165.842 and 165.85 (4) (b) 1d. f. of the statutes; **relating to:**  
2             collection of information regarding motor vehicle stops, law enforcement  
3             training standards, and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

#### *Collection of information regarding motor vehicle stops*

Under current law, a law enforcement agency must collect information concerning each person that the law enforcement agency arrests or takes into custody, if the person has committed certain offenses or is a fugitive from justice. The information that the law enforcement agency must collect includes the person's fingerprints, photographs of the person's face and profile, and other available identifying data. The information collected must be forwarded to the Department of Justice (DOJ), which maintains the information for various law enforcement and reporting purposes.

This bill requires a law enforcement agency to collect the following information concerning motor vehicle stops made on or after January 1, 2007: 1) the name, address, gender, and race of the operator of the motor vehicle (with the officer subjectively determining the person's race as being Caucasian, African American, Hispanic, American Indian or Alaska Native, or Asian or Pacific Islander); 2) the reason for the motor vehicle stop; 3) the make and year of the motor vehicle; 4) the date, time, and location of the motor vehicle stop; 5) whether or not a law enforcement officer conducted a search of the motor vehicle, the operator, or any passenger and, if so, whether the search was with consent or by other means; 6) the name, address,

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gender, and race of any person searched; and 7) the name and badge number of the officer making the motor vehicle stop.

The information that is collected under the bill concerning motor vehicle stops is not subject to inspection or copying as a public record. The information, however, must be forwarded to DOJ, which must then compile and analyze it, along with any other relevant information, to determine, both for the state as a whole and for each law enforcement agency, whether the number of stops and searches involving motor vehicles operated or occupied by members of a racial minority are disproportionate compared to the number of stops and searches involving motor vehicles operated or occupied solely by persons who are not members of a racial minority. The determination of whether the number of stops and searches involving racial minorities is disproportionate must be based on an estimate of the population and characteristics of all persons traveling on state highways, on an estimate of the populations and characteristics of persons traveling on state highways who are violating a law or ordinance, or on some other relevant population estimate. If DOJ finds that the number of stops and searches involving racial minorities is disproportionate compared to the number of stops and searches involving nonminorities, DOJ must then determine whether that disproportion is the result of racial profiling, racial stereotyping, or other race-based discrimination or selective enforcement.

DOJ must prepare an annual report that summarizes the information submitted to it by law enforcement agencies and that describes the methods and conclusions of its analysis of the information. DOJ must also promulgate rules to implement the information collection requirement created in the bill, including rules prescribing a form for use in obtaining the information and establishing a schedule for forwarding the information obtained to DOJ.

***Law enforcement training standards***

Under current law, no person may be appointed as a law enforcement officer unless the person has been certified by the Law Enforcement Standards Board (LESB) after completing a training program approved by LESB. Currently, LESB must establish minimum educational and training standards for law enforcement officers and minimum curriculum requirements for law enforcement officer training programs. Current law also contains specific requirements for law enforcement training programs, including the requirements that the programs provide training to enable officers to deal effectively with domestic abuse incidents and training on police pursuit standards.

This bill requires law enforcement training programs to provide training concerning cultural diversity, including sensitivity toward racial and ethnic differences. The training must be designed to prevent the use of race, racial profiling, racial stereotyping, or other race-based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races and must emphasize the fact that the primary purposes of enforcement of traffic regulations are safety and equal and uniform enforcement under the law.



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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 165.842 of the statutes is created to read:

2           **165.842 Motor vehicle stops; collection and analysis of information;**  
3 **annual report. (1) DEFINITIONS.** In this section:

4           (a) “Department” means the department of justice.

5           (b) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b).

6           (c) “Law enforcement officer” means a person who is employed by a law  
7 enforcement agency for the purpose of detecting and preventing crime and enforcing  
8 laws or ordinances and who is authorized to make arrests for violations of the laws  
9 or ordinances that the person is employed to enforce, whether that enforcement  
10 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

11           (d) “Motor vehicle stop” means the stop or detention of a motor vehicle that is  
12 traveling in any public or private place, or the detention of an occupied motor vehicle  
13 that is already stopped in any public or private place, for the purpose of investigating  
14 any alleged or suspected violation of a state or federal law or city, village, town, or  
15 county ordinance.

16           **(2) INFORMATION COLLECTION REQUIRED.** All persons in charge of law  
17 enforcement agencies shall obtain, or cause to be obtained, all of the following  
18 information with respect to each motor vehicle stop made on or after January 1, 2007,  
19 by a law enforcement officer employed by the law enforcement agency:

20           (a) The name, address, gender, and race of the operator of the motor vehicle.

21 The officer shall subjectively select the operator’s race from the following list:

## 2005 ASSEMBLY BILL 573

July 21, 2005 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to renumber and amend* 70.11 (4); *to amend* 70.11 (intro.); and *to*  
2 *create* 70.11 (4) (c) and 70.11 (4) (d) of the statutes; **relating to:** revision and  
3 elimination of the exemption from the property tax for certain property and the  
4 use of income from certain tax-exempt leased property.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Tax Exemptions for Residential Property (Columbus Park).

Revision and Reorganization of s. 70.11 (intro.) and (4), stats.

Under current law, property owned and used exclusively by certain entities specified under s. 70.11 (4), stats., is exempt from the property tax while such property

**SENATE BILL 315**

This bill provides that a law enforcement agency, DA, court, or crime laboratory must retain evidence that includes biological material and was collected in connection with a criminal investigation that resulted in a conviction, delinquency adjudication, or commitment order only if the biological material is either from the victim of the offense for which the conviction, adjudication, or commitment order was imposed or the biological material may reasonably be used to incriminate or exculpate any person for the offense. Also, a law enforcement agency, DA, court, or crime laboratory need retain the evidence only in an amount and manner sufficient to develop a DNA profile from the evidence.

***Testing of DNA evidence***

Under current law, a person who has been convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for committing a crime may petition a court to order DNA testing of evidence that was relevant to the investigation or prosecution of the crime (postconviction DNA testing). If a court grants the person's petition, the court may order the state crime laboratories to perform the DNA testing as long as the petitioner and the DA agree that the laboratories should conduct the testing. The court may order the petitioner to pay for testing if the petitioner is not indigent.

This bill provides that if a court grants a petition for postconviction DNA testing, the court may, after consulting with the petitioner and the DA, order the state crime laboratories to conduct the testing, regardless of whether the petitioner or DA consents to selection of the laboratories. Even if ordered to conduct postconviction DNA testing, the state crime laboratories may arrange for another facility to conduct the testing. If the laboratories arrange for another facility to conduct the testing and the court has not ordered the petitioner to pay for testing, the laboratories must pay for it. The bill further requires that the state crime laboratories prioritize postconviction DNA testing ordered by a court over other work of the laboratories.

***Time limits for prosecuting a crime related to a felony sexual assault***

Current law imposes time limits for commencing prosecution of most crimes. Prosecution of a felony sexual assault must be commenced within six years after the assault, except that prosecution of sexual assault of a child may be commenced at any time before the victim reaches the age of 45. However, if the state collects DNA evidence in connection with a first- or second-degree sexual assault or a sexual assault of a child before the time for prosecution expires and does not match the DNA evidence with an identified person until after that time expires, the state may initiate prosecution for the assault within one year after making the match.

This bill applies the time limits for prosecuting felony sexual assaults as well as the DNA exception from those time limits to crimes that are related to a felony sexual assault. Under the bill, crimes are related if they are committed against the same victim, are proximate in time, and are committed with the same intent, purpose, or opportunity so as to be part of the same course of conduct.

***Eyewitness identification of a suspect***

This bill requires law enforcement agencies to adopt written policies governing the use of an eyewitness to identify a person suspected of committing a crime. The

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policies must apply to practices under which an eyewitness identifies a suspect upon viewing him or her in person, such as in a lineup, and to practices under which an eyewitness identifies a suspect upon viewing a representation of the suspect, as by viewing a photograph array. The policies must be designed to reduce the potential of erroneous identifications by eyewitnesses.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 16.964 (10) of the statutes is created to read:

2           16.964 (10) (a) In this subsection:

3           1. “Custodial interrogation” has the meaning given in s. 968.073 (1) (a).

4           2. “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

5           (b) The office shall provide grants from the appropriation under s. 20.505 (6)  
6 (kc) to law enforcement agencies to fund or reimburse expenses incurred on or after  
7 July 7, 2005, for the purchase, installation, or maintenance of digital recording  
8 equipment for making audio or audio and visual recordings of custodial  
9 interrogations or for training personnel to use such equipment. Grants awarded  
10 under this subsection may be used to support recording of custodial interrogations  
11 of either juveniles or adults and of interrogations related to either misdemeanor or  
12 felony offenses. The office may award more than one grant under this subsection to  
13 a law enforcement agency. The office shall develop criteria and procedures to  
14 administer this subsection. Notwithstanding s. 227.10 (1), the criteria and  
15 procedures need not be promulgated as rules under ch. 227.

16           (c) A law enforcement agency shall include the following information in an  
17 application for a grant under this subsection:

18           1. How the agency proposes to use the grant funds.